

ORIGINAL

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT**CHEN, J.**

for the

EASTERN District of NEW YORK

BULSARA, M.J.

Division

Case No.

CV 19-7050

(to be filled in by the Clerk's Office)

DARRELL GEORGE FULTON*Plaintiff(s)*

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

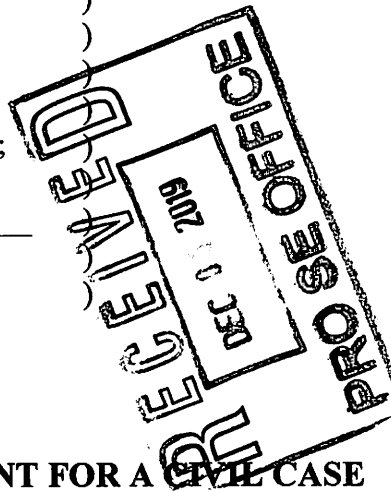
-v-

Jury Trial: (check one) ☒ Yes ☐ No

CORE SERVICES GROUP, INC; MICHAEL LOWE, INDIVIDUAL & OFFICIAL CAPACITY; PATRICK MCFARLAND INDIVIDUAL & OFFICIAL CAPACITY; JOHN & JANE DOES,

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)



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COMPLAINT FOR A CIVIL CASE**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Darrell George Fulton</u>
Street Address	<u>475 Carlton Avenue, Apt. 8A</u>
City and County	<u>Brooklyn, Kings</u>
State and Zip Code	<u>New York 11238</u>
Telephone Number	<u>(646) 675-0805</u>
E-mail Address	<u>DGFultonbj316@yahoo.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	CORE Services Group, Inc.
Job or Title <i>(if known)</i>	Non-Profit Organization
Street Address	45 Main Street, Suite 711
City and County	Brooklyn, Kings
State and Zip Code	New York 11201
Telephone Number	(718) 801-8050
E-mail Address <i>(if known)</i>	N/A

Defendant No. 2

Name	Michael Lowe
Job or Title <i>(if known)</i>	CORE Brooklyn House Facility Director
Street Address	104 Gold Street
City and County	Brooklyn, Kings
State and Zip Code	New York 11201
Telephone Number	(718) 498-0800
E-mail Address <i>(if known)</i>	mlowe@coresvcs.org

Defendant No. 3

Name	Patrick McFarland
Job or Title <i>(if known)</i>	Residential Reentry Manager
Street Address	100 29 th Street, U.S.D.O.J., FBOP
City and County	Brooklyn, Kings
State and Zip Code	New York 11232
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

Defendant No. 4

Name	John & Jane Does
Job or Title <i>(if known)</i>	N/A
Street Address	N/A
City and County	N/A
State and Zip Code	N/A
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. 1983; Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971); Violation of Due Process; Liberty, and Equal Protection rights; Violation of First, Fifth and Sixth Amendment rights; Retaliation and False Imprisonment.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Darrell George Fulton, is a citizen of the State of *(name)* New York.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* Michael Lowe, and Patrick McFarland, is a citizen of the State of *(name)* New York. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, *(name)* CORE Services Group, Inc., is incorporated under the laws of the State of *(name)* New York, and has its principal place of business in the State of *(name)* New York.
Or is incorporated under the laws of *(foreign nation)* N/A, and has its principal place of business in *(name)* New York.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$100,000.00, due to the physical and mental affects on the plaintiff, due to the lost of liberty interest; business capital and financial opportunities.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The gist of this complaint is based on two recorded incident reports that were deliberately issued with the malicious intent to bring harm upon the plaintiff as a means to silence and punish him. The incident reports are from April 29th (#3121092) and May 10th of 2018 (#3126524), and issued while the plaintiff was serving early release in a Federal Half-way House Program. Ultimately the issuing of these incident reports along with other false allegations, landed the plaintiff back in prison where the rest of his sentence was completed. None of the sanctions recommended that the plaintiff be remanded back to prison, but after Mr. Fulton confronted Mr. Lowe about his knowledge of Mr. Lowe's favoritism and unlawful activities, a retaliatory remand to prison quickly followed.

Mr. Lowe disregarded evidence that established the plaintiff could not have committed the charge under (#3126524)(possession of anything unauthorized), because documented records established he was authorized to have the devise in question. Nevertheless, Mr. Lowe had known this because he personally suppressed the evidence, but had been unaware the plaintiff had his own copy. That evidence and other claims eventually caused the granting of plaintiff's appeal over time on August 24th, 2018, and expungement of the charges. In addition, Mr. Lowe initially claimed the remand back to prison was because the plaintiff was late getting back to the Half-Way House after an authorized Doctor's appointment, of which Mr. Lowe himself intentionally failed to grant the required extended time needed to complete, but when that accusation did not turn out the way he wanted, he later claimed it was based on the incident (#3121092).

The defense that was disregarded, was that incident (#3121092)(being out of bounds), was clearly an error, because the tracking device that was attached to plaintiff unquestionably established that plaintiff was in route to the authorized designation, not at any unauthorized location. Ultimately the evidence prove correct and that appeal was also granted and the incident report expunged on August 24th, 2019. Mr. Lowe has deliberately and maliciously violated rights of constitutional magnitude, as well as Equal Protection, and Liberty rights, that posed an atypical and significant harsh upon plaintiff.

No Due Process was ever afforded to the plaintiff as to exactly why he was being deprived of his liberty rights and remanded back to prison. The incident reports were clear, albeit untrue, as to some alleged violations committed by the plaintiff. However, no hearing was ever afforded to him that those charges were the cause of his remand, no notice was ever given and no recorded documents existed as to the connections. Mr. McFarland was contacted about the connection of the charges to plaintiff's remand, and presented no evidence of the connection or offered no Due Process as to the plaintiff's claims, totalling disregarding such rights under the U.S. Constitution, Equal Protection and Liberty rights, that has posed an atypical and significant hardship upon plaintiff.

CORE Services has failed to meet their obligations as a contracted entity when selecting, training and testing specific employees, that caused atypical and significant hardship on the plaintiff. They must be held liable equal to the other defendants, or greater.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The damages should be awarded in the amount of \$100,000.00 (One Hundred Thosand Dollars and Zero Cents), for the violation of plaintiff's liberty rights, to afford adequate Due Process, protected Equal Protection rights, and relevant constitutional rights, which all include damages of punitive nature, exemplary, compensatory and money damages, in part for the lost of business earnings and wages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

11-27-2019

Signature of Plaintiff

Printed Name of Plaintiff

Darrell G. Fulton

B. For Attorneys

Date of signing:

11-27-2019

Signature of Attorney

Printed Name of Attorney

Darrell George Fulton (Pro-Se)

Bar Number

N/A

Name of Law Firm

N/A

Street Address

475 Carlton Avenue, Apt. 8A

State and Zip Code

Brooklyn, New York 11238

Telephone Number

(646) 675-0805

E-mail Address

DGFultonbj316@yahoo.com